

you, my colleagues -- some of you have met him and some of you are meeting him for first time today -- he is just the wonderful human being he has been described to be and he is going to be a wonderful colleague, and he has a great family.

My second personal note is to Senator Torricelli, in abstentia to Senators Biden and Specter, to thank their role on the Senate Judiciary Committee in helping us get two new judges. Because this was -- we didn't cry about it. We didn't go make press releases about it -- but this was the most short-handed court in the nation. And we were short four judges and we had an illness. But through their quiet and persistent work, Senator Torricelli and Senator Biden and Senator Specter have gotten us two appointees who we desperately needed and who we're delighted to have. I hope you will convey to your colleagues that expression of gratitude.

So this is a day for celebration. But as we celebrate and so as to put the day's events into perspective, having in mind the very great responsibilities visited upon a United States circuit judge, we would do well to reflect upon the nature of appellate judging and what we expect of ourselves and of our new colleague.

What is the idea of an appellate court?

It is not, I submit, a mere collection of judges who sit in various combinations to hear and decide cases; rather, it is a cohesive group of individuals who are familiar with one



another's ways of thinking, reacting, persuading, and being persuaded. An ideal court of appeals is much more than an institution. It is an incorporeal body of precedent and tradition, of shared experiences and collegial feelings whose members possess a common devotion to mastering circuit law, maintaining its coherence and consistency, and thus for the benefit of the bar and litigants, assuring its predictability and adjudicating cases in like manner.

I think that it is fair to say that the United States Court of Appeals for the Third Circuit has lived up to this restriction. We work very hard in preparing for sittings and writing opinions. I say without hesitance that there is not a judge in this courtroom who does not work seven days a week every week. We work all the time. That's the only way we can get our work done.

One facet of the opinion-writing process in this Court and which the public and bar, and even the trial bench is for the most part unaware, is the depth with which we review and critique each other's opinions. And they are circulated to a panel on which we sit or even to the full Court, because we have pre-filing circulation opinions. I can tell you from 19 years' experience, that sending an opinion out for the consideration of your colleagues can best be analogized to walking through a mine field.

(Laughter.)



HONORABLE EDWARD R. BECKER: But that collegial review in which we all participate is a very rigorous process, and a very rigorous process which serves to enhance further the quality of our work. In my view, the Third Circuit turns out very high quality work, as good as any court of appeals in the nation. My colleagues are a remarkable group of people, and they are a group of dedicated, brilliant, hardworking men and women. And we are confident that you, Julio Fuentes, will help us in that tradition.

Our Acting Clerk of Court, Marcia M. Waldron, is directed to read the Commission.

THE ACTING CLERK OF THE COURT: William Jefferson Clinton, President of the United States of America.

To all who shall see these presents, greeting: Know ye, that reposing special trust and confidence in the wisdom, uprightness, and learning of Julio M. Fuentes of New Jersey, I have nominated, and, by and with the advice and consent of the Senate, do appoint him United States Circuit Judge for the Third Circuit, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said Julio M. Fuentes during his good behavior.

In testimony whereof, I have caused these letters to



be made patent and the Seal of the Department of Justice to be hereunto affixed.

Done at the City of Washington this Ninth day of March, in the year of our Lord, Two Thousand, and of the independence of the United States of America the two hundredth and twenty-fourth, by the President, William Jefferson Clinton, Janet Reno, Attorney General.

HONORABLE EDWARD R. BECKER: I am now going to administer the oath. And, I urge you to listen carefully. This is a wonderful oath. It is enshrined in the statutes of the United States, and some portions of it are so important to our system of justice that they will be inscribed on glass tablets that will appear in the newly renovated lobby -- we renovate it a little less than a year from now -- in the headquarters of the Third Circuit Court of Appeals in the U.S. Courthouse in Philadelphia.

Judge Fuentes, would you please rise for the administration of the oath.

Place your left hand on the Bible and raise your right hand.

Do you, Julio M. Fuentes, solemnly swear that you will administer justice without respect to persons, and do equal right to the poor and to the rich, and that you will faithfully and impartially discharge and perform all the duties incumbent upon you, as United States Circuit Judge, under the



Constitution and Laws of the United States; that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God?

HONORABLE JULIO M. FUENTES: I do indeed, sir.

HONORABLE EDWARD R. BECKER: You may all applaud.

(Applause.)

HONORABLE EDWARD R. BECKER: Will the members of Judge Fuentes' family robe him.

And then will you please take the bench and join us?

(Judge Fuentes dons his robe.)

HONORABLE EDWARD R. BECKER: Judge Fuentes, you may respond.

HONORABLE JULIO M. FUENTES: Chief Judge Becker, Judge Garth, Senator Torricelli, Chief Justice Poritz, distinguished guests, my colleagues in the federal and state judiciary, members of the bar, my good friends, my family: I'm truly overwhelmed by the comments made here this afternoon. I want to thank the speakers, and I want to thank all of you who are present for sharing this moment with me and for making this day so very special. Thank you.



I want to thank, of course, Senator Torricelli for his gracious remarks, and I want to thank my good friend Carlos Ortiz, who was a tireless worker in this process and an enormous source of support and encouragement.

Thank you, Carlos.

I thank as well Grissele Camacho-Pagan for her comments and support, and I thank my good friend and colleague, Donald Volkert.

I know that many of you have traveled quite a distance to be here today. Words are inadequate to express my appreciation for your joining me and my family this afternoon to celebrate this wonderful moment.

I'm especially delighted to see so many of my colleagues on the state bench where I had been very fortunate and very privileged to serve for the past 13 years.

There are so many people I have to thank for the privilege of sitting on this Court, that it will be impossible to mention everyone. I do need to mention, however, the persons who were directly responsible for my presence here.

First I owe this honor, this great honor of sitting on the Third Circuit Court of Appeals to the President of the United States, William Clinton. And to the President, I want to express my deep appreciation for his confidence in me and for giving me the honor of serving on this great Court.

I also want to thank my two Senators from New Jersey,



Robert Torricelli and Frank Lautenberg, and their staffs, for the support they gave me throughout this process.

I would like to take a moment to especially thank Senator Torricelli. As many of you know, it was Senator Torricelli who presented my candidacy to the President in the first instance. And so to Senator Torricelli, I owe the greatest debt of gratitude.

And I would like to say to you, Senator Torricelli, that I know you worked very hard on my nomination as you do for all your candidates, and I want you to know that I appreciate all that you did and all that your staff did for my confirmation. In this process you made a number of predictions concerning my confirmation, and each one was right on the money. You always kept me informed and your staff worked very hard. Your staff worked very close with me and they were always responsive. And I really appreciated that, and I just want to say to you, thank you, Senator Torricelli.

SENATOR TORRICELLI: You're very welcome.

HONORABLE JULIO M. FUENTES: I also want to thank the members of Senator Torricelli's Judicial Selection Committee. I know some of you are present here today and you lent support and encouragement to me, and I want to express my gratitude to you. Thank you.

Thank you also to the White House Counsel's office, especially Mike O'Connor and Mark Childress. And Mike O'Connor



is here today. I want to thank you. Both of you were enormously helpful and very supportive.

My wife, Olma, my three daughters, Lily, Karina and Olma are here today, and I want them to know how much I appreciate their love and support, and how proud I am of my entire family. My wife especially has been a source of great support and counsel to me over the years, and you must know that I greatly appreciate all that you have done.

My mother and my brother, Jose, are here as well.

In 1950, Mom, I was 4 years old and my brother was 9 years old, and you left Puerto Rico for New York City. We went straight to the South Bronx where life was not very easy. And from there we moved around quite a bit, always looking for a better place, a better way of life. Five years later we came to New Jersey where we have been ever since. And I think that coming to New Jersey, Mom, was perhaps one of your best decisions.

(Laughter.)

HONORABLE JULIO M. FUENTES: You worked very hard to make sure that I got through school, and you did it all as a single parent. My brother and I are very proud of you and we wish to simply say "thank you."

Many of my uncles and my aunts and cousins and my nephew are all here today, and I want to thank all of you for joining me this afternoon. I really appreciate it.



The National Hispanic Bar Association and the Hispanic Bar of New Jersey were not merely helpful but instrumental in my confirmation process. And I want to say to the officers and the members of both bars that I'm very grateful and very honored for your support. In addition to Carlos Ortiz and Grissele Camacho, whom I mentioned earlier, I would like to thank as well Lourdes Santiago and Ramon de la Cruz and Zulima Farber for their very valuable contribution. Thank you.

I also want to thank Joe Hayden and my secretary, Susan, who were very helpful and supportive in this process. And I also owe a debt of thanks to the New Jersey State Bar Association and the Essex County Bar Association for their support. And finally, I would like to thank former American Bar Association President, Jerome Shestack and the American Bar for their support.

There are a large number of other persons present to whom I owe a debt of gratitude. Unfortunately you are too numerous for me to mention. But you know who you are, and you know that from the bottom of my heart I am grateful.

You know, I would like to say that this is a dream come true. But I really can't because becoming a Circuit Judge was not a dream I had. As a professional, as a Municipal Court Judge, as a Superior Court Judge I never thought that one day I would sit as a Judge of the United States Court of Appeals. This is an incredible journey in my life which became possible



because America is indeed a land of opportunity, and because you, my family, my friends, my colleagues, you gave me uncompromising support and friendship over the years, and I want to thank you for that because you made this possible. Thank you.

Judge Becker, I am very honored and very privileged to be assuming a position on this Court. Perhaps now is a good time for me to thank you, to thank Judge Garth, Judge Alito, Judge Trump Barry, and the entire staff of the Third Circuit for making my transition as smooth as it has been. Indeed, I want you to know, Judge Becker, that I look forward with great pride to joining you and all the other Judges who sit on this great Court.

I'm very aware of the importance of this appointment to the Hispanic community in this Circuit and elsewhere, and I am aware of the enormous responsibility that this entails. I want you to know, I assure you that I intend to discharge my duties to the best of my abilities, faithfully, with integrity, and the requisite scholarship. Many of you know that I'm very dedicated to my work, that I'm very devoted to my profession, to the rule of law, to justice and to our constitutional system. My pledge to you is to be as fair and impartial as possible and to work as hard as necessary, to justify the special trust that you have placed in me. I want you to know that I intend to honor this trust every day.



Very shortly, a reception hosted by the Association of the Federal Bar of New Jersey will begin in the Great Hall just outside the courtroom. I want to thank the Federal Bar very much for hosting the reception. During the reception I hope I'll have an opportunity to greet and personally thank everyone.

Let me conclude by saying again, thank you for your support, thank you for your friendship, thank you for making this a truly special occasion. This is a great honor for me, it's a great honor for my family, it's a great honor for my colleagues, the Latino community, and I want to share this honor with all of you.

Thank you very much.

(Applause.)

HONORABLE EDWARD R. BECKER: The crier will adjourn Court.

THE COURT CRIER: Please rise.

The Court stands adjourned until Monday, May 22nd, 2000, at 9:30 a.m., in Philadelphia, PA.

(Installation Ceremony proceedings conclude.)